

REMEDIATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR

February 24, 2005

WATERFRONT REVITALIZATION CONFERENCE REMINDER

The Wisconsin Waterfront Revitalization Conference is **April 13** in Sheboygan. The deadline for registration is **April 1, 2005**. This conference, at the Blue Harbor Resorts (a former brownfield) focuses on Wisconsin success stories. Mayors, city redevelopment staff and others will describe the tools they are using to convert their waterfront brownfields into new development. To attend the conference or to register as an exhibitor, please see the conference web site at <http://www.glc.org/wiconference>.

DNR ASSISTANCE - U.S. SUPREME COURT AVIALL DECISION

In its December 13, 2004 decision on Cooper Industries v. Aviall Services, the U.S. Supreme Court limited the conditions under which one party can sue another for contribution toward its response costs for environmental contamination, and established certain legal criteria that must be met. In order to assist those concerned about this decision, the RR Program has drafted two model state settlements for potentially responsible parties. These draft settlements are on the web at http://dnr.wi.gov/org/aw/rr/general/whats_new.htm. If you have comments on these drafts, or would like to offer alternative solutions, please send detailed comments to Mark F. Giesfeldt, director, Bureau for Remediation and Redevelopment at DNR, by the end of March. Mark can be reached at Mark.Giesfeldt@dnr.state.wi.us.

EPA's summary of the Supreme Court's Aviall decision is available at <http://www.epa.gov/Compliance/resources/newsletters/cleanup/cleanup16.pdf>.

This Supreme Court decision does **not** impact the local government "cause of action" under state law (s. 292.33, Wis. Stats.), which allows local governments to recover cleanup costs from private parties. For more information about the local government option, please see <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR579.pdf>.

REPORT ON STATE BROWNFIELD INSURANCE PROGRAMS

EPA's Office of Brownfields Cleanup and Redevelopment has released a new report, "State Brownfield Insurance Programs, 2004," available at http://www.epa.gov/brownfields/pubs/state_report_04_revised.pdf. This report describes current and developing state environmental insurance programs in Wisconsin, Pennsylvania, Massachusetts and California, plus other states that are considering environmental insurance programs. The report offers in-depth analyses of states using environmental insurance to encourage brownfield redevelopment. For Wisconsin, it provides a detailed description of the insurance program for Voluntary Party Liability Exemption (VPLE) sites that are using natural attenuation to complete a groundwater cleanup, as well as the proposed Wisconsin Brownfields Insurance Program (WBIP) which would be applicable to many other cleanups. WBIP would make pre-negotiated environmental insurance available to businesses and local governments who are developing brownfield properties in Wisconsin. If you have questions about environmental insurance in Wisconsin, please contact Michael Prager at Michael.Prager@dnr.state.wi.us or at 608-261-4927.

NEW "READY FOR REUSE" FUND WEB PAGE

Perhaps you've wondered why you haven't heard more about the \$4 million Revolving Loan Fund Grant that the Wisconsin Brownfields Coalition (WBC) received from EPA in June. The reason for the lack of information is that we've been researching, talking to partners and to other

states, web surfing and developing plans for administration of this new no-interest loan and sub-grant program. We haven't got all of the answers yet, but want to provide basic information on our Ready for Reuse initiative.

Our new web page is at http://dnr.wi.gov/org/aw/rr/financial/epa_revolvingloan.html. If you have questions about this initiative, please contact Percy Mather, DNR, at Percy.Mather@dnr.state.wi.us or at 608-266-9263. The WBC includes the Departments of Natural Resources, Commerce, Administration and Wisconsin's Regional Planning Commissions.

IMPROVING OUR WEB MAP SERVICES, AND WTM COORDINATES

Currently, only completed cleanups with residual contamination can be found in our GIS application, the GIS Registry of Closed Remediation Sites (on the web at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>). However, our long range plan includes expanding our map system to display all open and closed sites tracked in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) that are found in the Environmental Repair (ERP) and leaking tank (LUST) modules of BRRTS. We promulgated s. NR 716.15, Wis. Admin. Code, to require that all site investigation reports include Wisconsin Transverse Mercator (WTM) coordinates for the contaminated site. However, DNR does not receive site investigation reports that are submitted to the Department of Commerce. Therefore, we request that consultants include the WTM coordinates in the letters that they sent to DNR to notify us that a site has been transferred to Commerce. Helping us collect this information will reduce the time that we spend populating our database with geo-locations, and will enhance the accuracy of the map "viewing layers" we have planned. We appreciate your help with this endeavor.

REVISED APPLICATION FORM FOR OFF-SITE LIABILITY CLARIFICATION LETTERS

We've updated our application form to request a liability clarification letter for "off-site" contamination, i.e. contamination from another location. The application is on the web at <http://dnr.wi.gov/org/aw/rr/archives/pubs/4400-201.pdf>. Background information about the off-site exemption is available at http://dnr.wi.gov/org/aw/rr/liability/offsite_discharge.htm. Applicants can use this form to request written clarification from DNR regarding liability at property that has been impacted by contamination from another location, e.g. a neighboring property. This type of liability clarification may be useful for current property owners, prospective purchasers and for lessees. Situations where these letters have been useful include sale and purchase of properties within a plume of groundwater contamination, and for multiple properties that have been affected by widespread contamination, e. g. contaminated sediments. DNR's liability clarification letters can explain which environmental conditions are the liabilities of other parties, and also what information the state would need in order to assign liability in circumstances that currently lack sufficient environmental information. The fee for a liability clarification letter is \$500. If you have questions, please contact the DNR staff listed on the application form, or Percy Mather at 608-266-9263 or Percy.Mather@dnr.state.wi.us.

REMINDER: REVISED CLOSE OUT FORM AND "ACRES READY FOR USE"

We'd like to once again remind consultants to be sure to use the current version of our Case Summary and Close Out Form (#4400-202). It was reorganized and streamlined in May of 2004, and now collects information on "acres ready for use", a performance measure that DNR will report to EPA in order to help maintain federal funding. Our review of a request for case closure does not officially begin until all of the required information is received, so make sure you are using the appropriate form and filling it out completely. The form is on our web site at http://dnr.wi.gov/org/aw/rr/archives/pub_index.html#forms.

NEW STAFF ASSIGNMENTS IN NORTHEAST REGION

Due to the departure of three hydrogeologists from our Northeast Region (Cathy Rodda, Kathy Erdmann and Cheryl Laatsch), and a shortfall in funding to hire new staff, DNR has reassigned project managers in order to cover all of the counties in the region. Here is the new list of staff assignments. For staff telephone numbers, email addresses and mailing addresses, please see <http://dnr.wi.gov/org/aw/rr/technical/lists/rrphone.pdf>.

County/Area	Project Manager for non-PECFA ERP Sites	Project Manager for all LUST and all PECFA ERP Sites
Brown Co (city of Green Bay only)	DuFresne	Lauridsen
Brown Co (not city of Green Bay)	Nass	Lauridsen
Calumet Co	Nass	Lauridsen
Door Co	Chronert	DuFresne
Fond du Lac Co	Easterly	McKnight
Green Lake Co	McKnight	McKnight
Kewaunee Co	Weissbach	Lauridsen
Manitowoc Co	Weissbach	Lauridsen
Marinette Co	Walden	DuFresne
Marquette Co	McKnight	McKnight
Menominee Co	Sturm	Sturm
Oconto Co	Lauridsen	DuFresne
Outagamie Co	Borski	Sturm
Shawano Co	Sturm	Sturm
Waupaca Co	Weissbach	Sturm
Waushara Co	McKnight	McKnight
Winnebago Co (except cty/tn Neenah/Menasha)	Sylvester	McKnight
Winnebago Co (cty/tn of Neenah only)	Borski	McKnight
Winnebago Co (cty/tn of Menasha only)	Easterly	McKnight
Specific sites assigned	Chronert	
DOT Related Cases	Evenson, Jones	Evenson, Jones